

## REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicant thanks the Examiner (along with his supervisor) for meeting with Applicant and his U.S. counsel on July 16, 2003 to discuss this application.

During the interview, the present invention was explained as being directed to a negotiation procedure that is performed (prior to an execution of an initialization procedure to establish a communication link) that determines the communication capabilities (e.g., xDSL type) of two systems that wish to communicate with one another. According to the negotiation procedure of the instant invention, a first system transmits (to the second system) first negotiation information bits indicating that the first system supports one or more high speed communication standard, such as, for example, ADSL, VDSL and CDSL. The second system responds by transmitting (to the first system) second negotiation information bits indicating one or more high speed communication standard that the second system supports, such as, for example, ADSL and MDLS. In response to the received second negotiation information bits, the first system selects a commonly supported high speed communication standard (e.g., ADSL in the above example). The negotiation procedure is thus completed, and an initialization procedure may thereafter be performed to establish a communication link between the two systems using ADSL. It was explained during the interview that neither GATHERER et al., nor GOODSON et al. (singularly or in combination) disclose or suggest Applicant's negotiation procedure.

It was agreed during the interview that the 35 U.S.C. §103 prior art rejection of claims 2, 4, 5, 9 and 10 over GATHERER et al., in view of GOODSON et al. would be overcome by amending the claims to more clearly indicate that the transmission of the first negotiation information bits and the reception of the second negotiation information bits occur prior to an initialization procedure to establish the communication link. Applicant herewith submits the agreed to revision to the claims. In view of the current amendment to the claims, Applicant submits that the ground for the 35 U.S.C. §103 rejection of the pending claims no longer exist, and respectfully request such an indication of allowance by the Examiner.

During the interview, the Examiner's supervisor raised an issue (which had not previously been raised during the prosecution of the application) with regard to the drawings, and requested that the drawings be revised to illustrate plural high speed sections. Applicant herewith submits new Fig. 3' that illustrates a plurality of high speed data receiving sections 66a and 66b along with a plurality of high speed data transmitting sections 72a and 72b on the remote system 4 side, and a plurality of high speed data transmitting sections 70a and 70b along with a plurality of high speed data receiving sections 68a and 68b on the central office system 2 side. Support for this may be found in, for example, the originally submitted claims and page 28 of the specification. No prohibited new matter has been introduced.

In view of the above, Applicant respectfully submits that the application is in condition for allowance, and respectfully requests such an indication from the Examiner.

Pursuant to M.P.E.P. §714.13, Applicant contends that entry of the present amendment is appropriate because the proposed amended claims avoid the rejection set forth

in the last Office Action, resulting in the application being placed in condition for allowance, or, alternatively, the revised claims place the application in better condition for purposes of appeal. Further, no additional claims are submitted, and the revised claims do not present any new issues that would require any further consideration or search by the Examiner. In this regard, Applicant notes that the negotiation procedure was discussed at, inter alia, pages 4 and 5 of the March 17, 2003 response. Accordingly, entry of the present amendment is respectfully requested.

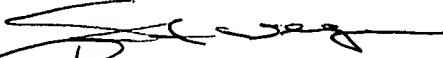

#### SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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July 18, 2003  
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